

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CLAUDE MAYO CONSTRUCTION)	
COMPANY, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 15-1263C
)	(Judge Kaplan)
THE UNITED STATES,)	
)	
Defendant.)	

JOINT MOTION FOR REFERRAL TO MEDIATION AND TO STAY PROCEEDINGS

Pursuant to Rule 7(b) and Appendix H of the Rules of the Court of Federal Claims (RCFC), plaintiff, Claude Mayo Construction Company (CMCC) and defendant, the United States (collectively the parties), hereby respectfully request that the Court refer this case to Alternate Dispute Resolution (ADR). The parties wish to enter into mediation in order to facilitate negotiation of a settlement that may resolve all issues raised in this matter without resort to further judicial review.

The parties have discussed potential mediators and respectfully request that, if he is willing, available, and acceptable to the Court, the matter be referred to Senior Judge Eric G. Bruggink, chair of the Court of Federal Claims' ADR Committee, as the mediator for this ADR proceeding.

The parties also request that the Court vacate the current scheduling order entered on June 28, 2019, and stay the case until after the parties complete mediation. Suspending all proceedings will provide the parties an opportunity to concentrate their efforts on resolving this matter without further litigation, conserve the parties' and this Court's resources, and, pursuant to Rule 1 of this Court, promote the "just, speedy, and inexpensive determination" of this matter.

Lastly, although the duration of ADR cannot yet be known, to the extent that this matter is not resolved through ADR by October 1, 2019 (90 days), the parties request that they be

ordered to submit a joint status report concerning the progress of ADR and, if appropriate, proposing that the stay be continued to facilitate further ADR or proposing a schedule for further proceedings.

For the foregoing reasons, the parties jointly request that the Court grant our motion to suspend all proceedings in this matter and refer the parties to the Court's ADR program.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

s/ Martin F. Hockey
MARTIN F. HOCKEY
Deputy Director

s/ Nicholas J. DiCesare
NICHOLAS J. DICESARE
Partner
BARCLAY DAMON LLP
The Avant Building
200 Delaware Avenue
Suite 1200
Buffalo, NY 14202
Tel: (716) 566-1524
Fax: (716) 566-4069
Email: NDiCesare@barclaydamon.com

Attorneys for Plaintiff

s/ Russell J. Upton
RUSSELL J. UPTON
Trial Attorney
Commercial Litigation Branch
Civil Division
Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 305-3634
Fax: (202) 514-7965
Email: Russell.J.Upton@usdoj.gov

OF COUNSEL

JUSTIN HAWKINS
Senior Assistant General Counsel.
Office of the General Counsel
General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405
Tel: (202) 969-7066
Fax: (202) 501-1944
Email: justin.hawkins@gsa.gov

Attorneys for Defendant

July 3, 2019